IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:23-CV-701-BO

BHASKAR KOUKUNTLA,)	
Plaintiff,))	
V.)	ORDER
TOLL BROS., INC.,)	
Defendant.)	
)	

This matter is before the court on Plaintiff's motion for default judgment on unopposed motions and expedited ruling, [DE-55], and motion to grant Plaintiff's motions as unopposed due to Defendant's procedural non-compliance, [DE-92]. Defendant filed responses, [DE-62, -99], and the motions are ripe for ruling.

Plaintiff does not seek entry of default judgment in the Rule 55 sense, but rather asks the court to allow his motion for protective order, [DE-33], and motion for removal of inadvertently disclosed medical records, [DE-35], on an expedited basis because they are unopposed, citing Local Civ. R. 7.1(f) for the proposition that "failure to file a timely response constitutes the opposing party's consent to the relief sought." [DE-55] at 2. Plaintiff's reading of Local Rule 7.1(f) is incorrect. That rule only provides for the form and timing of responses to motions. While under certain circumstances it may be appropriate to treat a failure to respond to a motion as consent, the court is not always required to do so. Furthermore, the court has already ruled on Plaintiff's motion for protective order and will address the motion for removal along with related discovery motions. Accordingly, the motion, [DE-55], is denied.

As for Plaintiff's motion to grant Plaintiff's motions as unopposed due to Defendant's procedural non-compliance, [DE-92], Plaintiff takes issue with Defendant filing consolidated responses to Plaintiff's motions, [DE-62, -71], which Plaintiff argues lack individualized arguments. The sheer volume of motions filed by Plaintiff, which include repetitive motions, motions to supplement motions, and motions such as this one that are facially unmeritorious, justify Defendant's consolidated responses. Accordingly, the motion, [DE-92], is denied.

SO ORDERED, the 24th day of February, 2025.

Robert B. Jones, Jr.

United States Magistrate Judge